

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

UL LLC,

Plaintiff,

-v-

JOSHUA CALLINGTON,

Defendant.

Case No. 1:24-cv-05631
Hon. Andrea R. Wood

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL
CONFIDENTIAL WITNESS DECLARATIONS**

Pursuant to this Court's directives (CM/ECF No. 73), Defendant Joshua Callington ("Mr. Callington"), by and through the undersigned counsel, hereby moves for the admission of several partially-redacted supplemental declarations, for the following reasons:

1. At the most recent status conference, on June 18, 2025, the undersigned counsel requested the Court's guidance on putting information obtained from certain fact witness interviews into the record, before the upcoming hearing on the pending cross-motions [CM/ECF No's. 23, 31, 60] in this matter. As explained to the Court, the fact witnesses at issue are social compliance auditors and industry professionals who have each independently raised some level of concern about being retaliated against for providing information to the undersigned counsel or appearing sympathetic to Mr. Callington. While similar concerns are nearly always flagged as

a potential issue for any witness asked to provide information or testimony about professional industry practices or employers, the perceived threat of blacklisting and other forms of retaliation amongst these witnesses is especially elevated due to the relatively small and insular nature of the social compliance auditing industry.¹

2. In an effort to assuage these concerns and honor the witnesses' request for confidentiality at this stage in the proceedings, the undersigned counsel initially offered to put their statements forward in the form of an attorney affirmation (or similar such submission) wherein the relevant points of information would be presented as having been obtained from "confidential witness" interviews. As the Court correctly observed, however, such a submission would surely give rise to various evidentiary issues and objections.

3. With that in mind, the undersigned counsel went back to the confidential witnesses with an alternate proposal that would involve submitting their own declarations on the understanding that all personally identifying information would be redacted from the publicly filed docket and provided only to the Court on an *ex parte* basis for *in camera* review.

4. As of the time of this filing, the undersigned counsel has reached out to four (4) of the confidential witnesses and spoken with three (3) who initially seemed at least somewhat amenable to this proposal. Each of those individuals has been made

¹ The industry comprised of a few dominant firms that perform the overwhelming majority of social compliance audits throughout the United States (e.g., Arche Advisors, Bureau Veritas, Det Norske Veritas ("DNV"), Eurofins, Intertek, Lloyds Quality Registration Assurance ("LQRA"), Société Générale de Surveillance ("SGS"), TUV Rheinland ("TUV"), and Underwriters Laboratories ("UL")), and that tend to employ the same rotating cast of individuals.

aware of today's filing deadline and has been asked to provide a final signed version of their respective declaration(s) by end-of-day—which, if received, will be filed in turn, in the order received.

Anticipating the likelihood that one or more of those declarations will, in fact, be made available for filing later today—the undersigned respectfully requests an order authorizing said declaration(s) to be filed with appropriate redactions on the public docket, and accepting the unredacted version(s) as *ex parte* submissions for *in camera* review only.

Dated: June 20, 2025
New York, NY

Respectfully submitted,

By: /s/ Agatha M. Cole
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